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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,707	07/25/2000	Jon Ebbe Brelin	SONY/12601	6813
28960	7590	01/24/2006	EXAMINER	
HAVERSTOCK & OWENS LLP			HARPER, KEVIN C	
162 NORTH WOLFE ROAD			ART UNIT	
SUNNYVALE, CA 94086			PAPER NUMBER	
			2666	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,707

Applicant(s)

BRELIN, JON EBBE

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,9,11-16,19,20,22-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,11-16,19,20,22,23,25 and 27 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,9 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed October 31, 2005 have been fully considered and are persuasive. Therefore, the previous rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Aoki in view of Ludtke, and the indicated allowability of claims 3, 10 and 24 of the previous office action is withdrawn.

Claim Objections

1. Claims 1-2 are objected to because the cts data field does not have extended data fields within, but only indicates extended data fields within the data packet (spec, page. 15, lines 13-15 and 16-20). Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 7 and 9 are rejected under 35 U.S.C. 101 because they recite only a data stream (MPEP 2106 (IV)(B)(1)(a) - "Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760.")

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (US 6,279,061) in view of Ludtke (US 6,237,049).

3. Regarding claims, 1-2, Aoki discloses a method of encoding a data packet (fig. 3) where the data packet conforms to a standardized AV/C command or response data packet (fig. 4, c type/response). The method comprises providing a data packet with a control data frame having a fixed payload (fig. 2) wherein the control data frame has a sequence of data fields (destination_ID, lt, rt, tcode, pri, etc.). The data packet is an asynchronous data packet (col. 2, line 1) having a header portion (fig. 2, packet header) and where the control data frame (fig. 2, data block) includes a cts data field (fig. 4), a data type field (c type/response), a subunit type data field, a subunit ID data field, and operand data fields, where the cts data field indicates extension data (fig. 3, 1111 CTS extension code).

4. However, Aoki does not specifically disclose that the control data fields comprise extended fields. Ludtke discloses extended fields including extension field quantity (fig. 3C, items 334 and 336; col. 11, lines 32-35; col. 1, lines 35-40; note: the control information is transmitted over a 1394 serial bus having standardized packets). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide device features in extended data in the invention of Tokuhiko in order to communicate new feature information within an IEEE 1394 network (Ludtke, col. 2, lines 49-57).

5. Regarding claim 2, in Aoki the network is an IEEE 1394 network (fig. 1).

Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (US 6,279,061) in view of Ludtke (US 6,237,049) and Small (US 6,522,654).

6. Regarding claims 7 and 24, Aoki discloses a data stream (fig. 2) for asynchronous transmission (col. 2, line 1) from a client device (fig. 1, item 1) to a target device (item 3; fig. 8) over an IEEE 1394 bus (col. 2, lines 22-27). The stream of data packets includes a data packet with a control data frame having a fixed payload (fig. 2) and extended fields (fig. 3, 1111 CTS extension code) for indicating the presence of feature data. Further regarding claim 24, Aoki disclose a system (fig. 1) for transmission of the IEEE 1394 packet that includes AV/C command and response data (fig. 4, c type/response). The target device receives the data packets and generates a response packet (fig. 8).

7. However, Aoki does not specifically disclose that the control data fields comprise feature data. Ludtke discloses feature data and a value representing the quantity of feature data (fig. 3C, items 334 and 336; col. 11, lines 32-35; col. 1, lines 35-40; note: the control information is transmitted over a 1394 serial bus having standardized packets). Further regarding claim 24, the supported features of the target device and the control device are kept on the control device (col. 11, lines 36-40). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide device features in the invention of Tokuhiro in order to communicate new feature information within an IEEE 1394 network (Ludtke, col. 2, lines 49-57).

8. Further, Aoki in view of Ludtke does not disclose feature data including one byte of feature data providing a transaction label code representing a history of a previous data transmission. Small discloses a transaction label having a history of a previous data transmission

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(fig. 10, item 134; col. 11, lines 11-12). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a sequence number as a maintain a history of previous data transmission in the invention of Aoki in view of Ludtke in order to detect a missing or lost packet as is known in the art.

Allowable Subject Matter

9. Claims 4-5, 11-16, 19-20, 22-23, 25 and 27 are allowed.
10. Claim 9 would be allowed if the 101 rejection above is overcome.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

January 23, 2006



FRANK DUONG
PRIMARY EXAMINER